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OFFICIAL DONATION.

State of Rhode Island and Providence Plantations.

AN ACT

RELATIVE TO

POLITICAL COMMITTEES AND CAUCUSES,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

JANUARY SESSION, 1899.

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CHAPTER 662.

AN ACT RELATIVE TO POLITICAL COMMITTEES AND
CAUCUSES.

(Passed May 18, 1899.)

It is enacted by the General Assembly as follows:

DEFINITIONS.

SECTION 1. The term "elective office" shall apply to any office for which candidates are to be voted for at any national, state, municipal, ward, or district election.

The term "caucus officers" shall apply to all officers taking part in the conduct of caucuses.

The terms "caucus" and "political convention" shall apply only to such as shall be called and held in pursuance of this act.

The term "political party" as used in this act, or in Chapter 11 of the General Laws, shall apply only to a political party which at the next preceding annual election polled for governor at least two per cent. of the entire vote cast in the state for that office.

STATE COMMITTEES.

SEC. 2. Every political party shall annually elect a state committee.

Such state committee shall, within ten days after its organization, file with the secretary of state a list of its officers and members.

CITY AND WARD COMMITTEES IN THE CITIES OF PROVIDENCE AND
PAWTUCKET.

SEC. 3. The qualified electors of every political party in each ward of the cities of Providence and Pawtucket shall annually elect a ward committee for such ward, and the members of the several ward committees of the same political party shall constitute a political committee of such political party, to be called a city committee. Each city committee shall, within ten days after its organization, file with the secretary of state a list of its officers and members; and in Pawtucket also with the city clerk, and in Providence also with the board of canvassers and registration. The general management of the affairs of each political party in said cities shall be vested in said city committee, subject to the rules and regulations which the state committee of each such political party shall make.

Any vacancy occurring in the office of chairman, secretary, treasurer, or other officer of any political committee, shall be filled by the action of such committee, and a statement of any change so occurring shall be filed as in the case of the officers first chosen.

CAUCUSES IN PROVIDENCE AND PAWTUCKET.

SEC. 4. The following sections of this act shall apply only to the cities of Providence and Pawtucket.

SEC. 5. All notices for holding caucuses shall apply to all members of the political party whose caucuses are to be held pursuant to said notices, and to them only; and only members of such political party shall participate in the caucuses of said party.

No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of any other political party held within ninety days thereafter, nor shall any person having signed nomination papers of a candidate or candidates for any elective office be entitled to vote or take part in any caucus of any political party held for the nomination of candi-

dates or for the election of delegates to a convention to nominate candidates to be voted for at the same election, or in any caucus held within ninety days thereafter for the election of caucus officers or the members of a political committee.

No person who shall have voted in the caucus of any political party for any candidate for an elective office, or for any delegate to a convention to nominate candidates for any elective office, shall sign any nomination paper containing nominations of candidates to be voted for at the same election as that for which such caucus or convention shall have been held.

SEC. 6. In computing the number of electors required by law to sign a nomination paper for any elective office, the names of electors appearing, by the check list hereinafter specified, to have voted in the caucus of any political party for the nomination of candidates for any elective office or for the choice of delegates to a convention to nominate candidates for any elective office to be voted for at the same election, or to have voted at any caucus of a political party held within ninety days for the election of caucus officers or members of a political committee, shall not be counted: *Provided*, that except as in this section otherwise specified nominations of candidates for any elective office to be filled by the electors of any ward or voting district in either of said cities may be made by nomination papers signed in the aggregate for each such candidate by not less than fifty qualified electors of such ward or voting district.

CAUCUSES—WHEN HELD, AND HOW CALLED AND WARNED.

SEC. 7. No two political parties shall hold their caucuses on the same day. The title or name of any political party which has made a nomination or nominations at the next preceding election shall not be used in combination with any word or words on any official ballot or any elective office. The political party first filing its designation of a day for the holding of a caucus with the city clerk in the city of Pawtucket, or with the board of canvassers

and registration in the city of Providence, shall be entitled to precedence on the day named therein : *Provided*, that no caucus or convention of delegates for the nomination of candidates for any elective office shall be held within two days of the last day for filing the certificate of nomination for such office, nor shall any political party hold two caucuses on successive days.

SEC. 8. All caucuses shall be held, in said cities, at the call of the city committee of the political party holding such caucuses. The call for such caucuses shall be issued not less than five days prior to the day on which they are to be held, and shall state the place, the hour of holding the same, and the time during which the polls are to be open, and the business to be transacted thereat. Said call shall be published at least four consecutive days in one or more newspapers published in the city in which such caucus shall be held. All caucuses and conventions of every political party in said cities shall be held substantially in accordance with the provisions of this act.

SEC. 9. At least ten days prior to the date on which a caucus is to be held in either of said cities, the chairman of the city committee of each political party in Pawtucket shall notify in writing the clerk of the city of Pawtucket, and in Providence the board of canvassers and registration of the city of Providence, of the date selected for such caucus, and said city clerk and said board of canvassers and registration, respectively, are hereby authorized and required, at the expense of their respective cities, to provide not less than one polling place in each ward for such caucus, and to notify in writing such chairman as to the places so provided at least seven days prior to the date of such caucus. All caucuses shall be held in the several ward rooms of said cities whenever practicable.

The hour for calling all caucuses in said cities shall be 7:00 o'clock in the evening, and the polls shall close at 9:30 P. M.

CAUCUS OFFICERS—WHEN AND HOW CHOSEN.

In each ward of said cities the qualified electors of each political party shall annually, at the caucus held to elect delegates to the convention to nominate a candidate for governor, elect a caucus warden for such ward and a caucus clerk for each voting district therein, who shall be qualified electors of the ward or district, respectively, for which they are elected, and members of the political party at whose caucus they are elected. Such caucus wardens and caucus clerks shall have the same and like powers, and shall discharge the same and like duties relative to caucuses held under the provisions of this act, so far as the same are applicable, as are conferred by law upon wardens and clerks in respect to state elections.

Every such officer shall hold office for the term of one year, beginning with the first day of May succeeding their election, and until his successor is elected.

In case a vacancy for any cause, including removal from the ward or district, shall occur in the office of caucus warden or caucus clerk prior to the time appointed for the meeting of the caucus, it shall be filled by the members of the ward committee of such ward in which such vacancy shall occur.

No person shall be eligible to the office of caucus warden or clerk who is a member of, or a candidate for, a city or ward committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for delegate to any convention or for any elective office, except that of caucus officer.

The ward committee of each political party in said cities shall, not less than ten days prior to the holding of the first caucuses which shall be held under this act, appoint such caucus officers as are hereinbefore provided for in every ward holding such meetings, to serve as such officers at the first caucuses which shall be held after the adoption of this act, and shall at the same time file a list of all such officers with the city clerk in Pawtucket and the board of canvassers and registration in Providence. In case of a

redivision of the wards or voting districts of either of said cities, the city committees aforesaid shall appoint the caucus officers to serve at the first caucuses after such redivision, and at such caucuses the regular caucus officers shall be elected as hereinbefore provided.

CONDUCT OF CAUCUSES.

SEC. 10. The caucus warden elected or appointed, as hereinbefore provided, shall call the caucus of his political party to order, and shall preside thereat. In case, however, that the caucus warden is absent and no person has been designated by the ward committee of the party to act as such caucus warden, the clerk of the first district in such ward shall call the meeting to order and shall preside until a caucus warden shall be appointed, and in case of the absence of such clerk, the chairman of the ward committee, or in his absence any qualified elector of such party, shall call the meeting to order and preside until a caucus warden pro tempore be appointed. Any necessary preliminary business not finished at 7:30 P. M. shall be postponed until after the polls are closed and the result of the balloting announced.

VOTING TO BE BY BALLOT.

Except for the filling of vacancies in the office of caucus warden and caucus clerk, as hereinbefore provided, a ballot shall be required for the choice of all candidates for all elective offices and all delegates to conventions to nominate candidates for national, state or municipal offices, for caucus wardens and clerks, or for members of a political committee to be elected by such caucus, and the polls shall be kept open until 9:30 P. M.

All ballots shall be printed or written on white paper, and no tissue paper shall be used for any caucus ballot.

The names of all the candidates for which any elector shall vote at any caucus shall be written or printed upon one ballot.

CHECK LIST TO BE USED—WHEN CANVASSED.

SEC. 11. In balloting at any caucus held between the last Monday in February and the first Wednesday in April in any year, the voting lists of the several wards and voting districts in said cities as canvassed upon said last Monday in February shall be used.

At all other caucuses the voting lists of the several wards and voting districts in said cities last published according to law, with such subsequent changes thereon as may be certified by the board of canvassers in Pawtucket, or by the clerk thereof, and the board of canvassers and registration in Providence to a date not more than five days prior to the earliest day designated by any political party for the holding of any caucus for the nomination of candidates for any elective office, or of choosing delegates to a convention to nominate candidates for any elective office, shall be used: *Provided, however,* that all caucuses for the nomination of candidates for the city council of either of said cities shall be held within twenty days of the day of the annual municipal election, and the board of canvassers in Pawtucket and the board of canvassers and registration in Providence shall annually hold a canvass meeting on the twenty-second day preceding the Tuesday after the first Monday in November, to canvass and correct the voting lists of electors qualified and who may be qualified by the payment of a tax to vote for members of the city council. No other person shall be permitted to vote in any caucus held for the nomination of members of the city councils of said cities, or shall be qualified to sign a nomination paper therefor. Notice of such canvass meetings shall be given in the same manner and for the same time as required by law in the case of a final canvass meeting prior to an election: *And provided also,* that in case of the calling of a caucus to nominate candidates at any special election to fill a vacancy in the city council in either of said cities, said board of canvassers in Pawtucket and the board of canvassers and registration in Providence shall hold a canvass meeting for the

purposes aforesaid at such time prior to such caucus, and shall give such notice thereof, as they shall in each case prescribe.

An exact copy of such voting list, duly certified by the city clerk in Pawtucket or the board of canvassers and registration in Providence, respectively, shall be used at all caucuses held during the same series of caucuses for the same election as above provided, and all the names of persons voting at each such caucus of the same political party shall be checked on such list in one and the same color by a dash at the left of the name, which color shall be different from any which may have been used in any previous caucus of any other political party of the same series and for the same election, and all voting for caucus officers, candidates for any elective office, delegates to any convention, or members of any political committee shall be by the use of such check list.

The city clerk in Pawtucket and the board of canvassers and registration in Providence are hereby authorized and required to furnish, at the expense of said cities, suitable ballot boxes, blank forms of certificates and returns and other election stationery for each polling place at which any caucus is held, and to cause the voting lists aforesaid to be delivered at each such polling place to the caucus warden, or other officer authorized to preside at said caucus, prior to the hour of seven o'clock in the evening of the day on which any such caucus is to be held; and it is hereby made the duty of the chiefs of police of said cities to detail such number of police officers to each such polling place, for the preservation of order and to deliver the voting lists aforesaid, as may be requested by said city clerk of Pawtucket and said board of canvassers and registration of Providence. For all caucuses held in any ward for the election of caucus clerks separate ballot boxes shall be furnished and used in each voting district therein.

No person shall be entitled to vote or take part in any caucus for the nomination of candidates for any elective office, or for the choosing of delegates to any political convention for the nomination of candidates for any elective office, unless such person is at the time of holding such caucus a qualified elector for such elec-

tive office, or whose name does not appear on such voting list, or whose name has been checked upon said voting list, or who shall have signed nomination papers of candidates for any elective office to be voted for at the same election as that for which such caucus is being held, or who shall have voted at any caucus of any other political party within ninety days.

VOTE, HOW CHALLENGED.

If at any caucus held under the provisions of this act any person offering to vote is challenged for any cause recognized by law, the caucus warden shall require the name and residence by street and number of such person to be written by himself, or by some one for him, on the outside of the ballot offered by him, and the caucus warden shall add the name and residence by street and number of the person so challenging, and the cause assigned for the challenge, before such ballot is received; but nothing in this section shall be construed as permitting any caucus officer to receive any ballot which by law he is required to refuse.

SEC. 12. The person or persons receiving the highest number of votes in a caucus shall be deemed and declared to be elected or nominated.

PROCEEDINGS IN CASE OF A TIE VOTE.

In case of a tie vote for delegates to a convention, or in case of a place being unfilled in a delegation, or in case of a vacancy occasioned by inability or neglect of a delegate to attend a convention, such vacancies shall be filled only by vote of the remaining members of the delegation, at a meeting duly called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action of the meeting so far as it relates to a vacancy.

In case of a tie vote for members of a ward committee, or for caucus officers, the members duly elected shall fill the vacancy or vacancies.

In case a majority of a delegation to any convention, or ward committee, or caucus officers are not elected, or in case of a tie vote for candidates for an elective office, the caucus shall adjourn to such day as shall be designated at said caucus by a caucus warden, but not to any day at which a caucus of any political party has been called.

VOTE, HOW AND WHEN COUNTED.

Immediately on the closing of the polls the caucus warden and clerk shall in open caucus proceed to count the ballots cast, and the candidate or candidates receiving a plurality of the ballots shall be declared by the caucus warden to be elected. The ballots and voting lists shall then be forthwith separately sealed up, together with a statement of the result of the balloting, substantially in form required by law in the case of state elections, and shall be forthwith delivered in person by the caucus clerk of the first voting district in each ward to the city clerk in the city of Pawtucket, and to the board of canvassers and registration in the city of Providence.

SEC. 13. The warden of every caucus shall, within twenty-four hours after said caucus is held, deliver, send, or cause to be sent to each delegate to a political convention and to each member of a political committee a certificate of his election, and to each candidate for an elective office a notice of his nomination, and shall also cause the certificate of nomination required by law in the case of all candidates who are nominated by such caucus for any elective office to be prepared and seasonably filed in the proper public office. Upon the check lists used at such caucus the clerk checking such list shall make a return under oath that the said check list is the identical one used in the caucus of the political party for which it was furnished, and that the names checked in the color employed at such caucus were truly and properly checked at such caucus, and that no alteration or erasure or additional check has been made thereon, and said city clerk in Pawtucket and board of canvassers and registration in Providence shall

make a true copy of said check list in the same color or colors appearing thereon, and shall deliver such copy, duly certified by him or them in like manner as hereinbefore specified, to the caucus warden of the political party whose caucus next occurs, and shall proceed in like manner until all the same series of caucuses for the same election have been held, when he and they shall respectively seal up and preserve the same, together with the copy or copies thereof hereinbefore provided, for the space of thirty days after the last meeting of said series. If before the expiration of said time they shall be requested in writing by ten voters entitled to vote in any of said series of caucuses, they shall safely keep said ballots and check lists for the period of three months thereafter, and said city clerk of Pawtucket shall produce the same if called for by the board of canvassers of said city.

The city clerk in Pawtucket, or the board of canvassers and registration in Providence, after a check list has been used at a caucus of a political party held under the provisions of this act, upon written application for a copy of the list as checked, signed by any qualified elector in said city, and upon payment or tender of the fees provided by law therefor, may unseal and open the wrapper containing such check list, and shall furnish to such applicant a certified copy of the list as checked and shall then reseal the same.

RECOUNT OF VOTES.

If before five o'clock in the afternoon of the day succeeding the day on which any caucus is held under the provisions of this act a person who has received votes thereat for nomination or election to any elective office, delegation, or political committee, shall serve upon the city clerk of Pawtucket, or the board of canvassers and registration in Providence, a statement in writing that the records and returns made by the caucus officers, as aforesaid, are erroneous, and specifying wherein the same are erroneous, and claiming an election or nomination by said caucus for the petitioner, and petitioning for a recount of such ballots by the

board of canvassers in Pawtucket, or the board of canvassers and registration in Providence, such city clerk and board of canvassers and registration, respectively, shall retain all the ballots cast at such caucus for such nomination or elective office until such claim is withdrawn or the contest for the nomination or election is fully determined by the board of canvassers in Pawtucket, or by the board of canvassers and registration in Providence.

The city clerk of Pawtucket shall forthwith notify the members of the board of canvassers of said city of the filing of such petition, and it shall be the duty of said board of canvassers in Pawtucket to forthwith convene in their chamber at the city hall and to cause notice in writing to be served upon all other candidates for the same office receiving votes at said caucus, at the expense of the petitioner, of the filing of such petition for a recount, and shall appoint a time and place for the recount of said ballots within twenty-four hours from the time of ordering such notice. At the time specified by said board of canvassers said city clerk shall transmit to such board all the ballots cast at such caucus and the voting list used thereat. In the city of Providence like proceedings shall be observed by the board of canvassers and registration, at the expense of the petitioner, and at the appointed time and place said board of canvassers of Pawtucket and board of canvassers and registration in Providence, respectively, shall proceed to recount said ballots and to hear and determine all questions raised for or against the counting of the same or of any thereof, and such recount shall stand as the true record and result of the vote cast at such caucus, and the proper officer shall cause the names of the persons so declared to be nominated for any elective office to be printed upon the official ballots in accordance with the certificate of such recount by said board of canvassers in Pawtucket, or the board of canvassers and registration in Providence, respectively, which shall be deemed to be made and filed as of the day of holding such caucus.

Any candidate receiving votes at such caucus for such nomina-

tion or office may be present during such recount, either in person or by an agent duly appointed in writing.

SEC. 14. Caucuses relative to a special election shall be held at such time and place, and subject to such reasonable notice, as the political committee whose duty it is to provide for holding the same may determine. All calls for the same shall be issued by the chairman and secretary of the city committee of said cities, and when called they shall be held in the same manner and subject to the same rules as govern caucuses called for elections whose date is fixed by law.

PENALTIES.

SEC. 15. Every public officer, or officer of a political party, who shall wilfully violate any of the provisions of this act, or shall refuse, or wilfully neglect and omit to perform in the manner and within the time prescribed any duty imposed upon him by this act, shall be fined not less than fifteen nor more than fifty dollars, or imprisoned in jail for a period not exceeding thirty days, or both.

Every person at a caucus who, knowing that he is not entitled to vote, votes or attempts to vote; or votes or attempts to vote upon any other name than his own; or votes or attempts to vote more than once upon his own name; or deposits or attempts to deposit more than one ballot for any candidate for any elective office or delegate to any convention or caucus officer or member of any political committee on the same balloting; or at any caucus gives a false answer to any caucus clerk or the presiding officer of any caucus relative to his right to vote at such caucus, shall be punished by imprisonment in jail not exceeding thirty days.

Whoever aids or abets a person not entitled to vote at a caucus in voting or attempting to vote under a name other than the voter's own name, or in voting twice upon the voter's own name, or aids or abets a person in depositing or attempting to deposit at a caucus more than one ballot as aforesaid on the same balloting, shall be punished by imprisonment in jail not exceeding thirty days.

Whoever wilfully alters or wilfully makes any change, erasure, or additional check in the names checked upon the check list used or to be used at a caucus, or, having custody or control of such check list, shall suffer or permit any alteration, change, erasure, or additional check to be made in the names checked upon such check list, shall be punished by imprisonment in jail not exceeding sixty days.

Except as otherwise herein provided, the penalties imposed by law upon election and other officers and voters who violate the provisions of acts regulating state elections are hereby imposed upon the same and like caucus and other officers and voters for the same and like violations of this act.

ENFORCEMENT.

SEC. 16. It shall be the duty of every police or other peace officer or constable to arrest without warrant any person detected in the act of violating the provisions of this act.

SEC. 17. All state, city, and ward committees which are in existence at the date of the passage of this act shall be subject to the provisions of this act, and shall hold office until the first day of May, A. D. 1900, and until their successors shall have organized *Provided*, that such state, city and ward committees as shall have been elected but not organized at the time of the passage of this act shall hold office from the date of their organization until said first day of May, A. D. 1900, and until their successors shall have organized.

SEC. 18. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

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